

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH MELVIN COCHRAN; RAUL W.
SANTIAGO BRITO,

Plaintiffs,

-against-

THE OWNER(S) OF THE NAME BRAND
TOOTHPASTE “CLOSE-UP”/ AND THEIR
COMPANIES, ETC.,

Defendants.

21-CV-8072 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Joseph Melvin Cochran, who is appearing *pro se*, brings this action individually and on behalf of Raul W. Santiago Brito, who has not signed the complaint. “[B]ecause *pro se* means to appear for one’s self, a person may not appear on another person’s behalf in the other’s cause.” *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998); *see also United States v. Flaherty*, 540 F.3d 89, 92 (2d Cir. 2008) (“[A]n individual who is not licensed as an attorney ‘may not appear on another person’s behalf in the other’s cause.’” (citations omitted)). The Court therefore construes the complaint as asserting claims solely on behalf of Plaintiff Cochran, the only person who signed the complaint.

On September 30, 2021, the Court directed Plaintiff Cochran to either pay the \$402.00 in fees that are required to file a civil action in this court or submit, within thirty days, a completed request to proceed *in forma pauperis* (IFP). That order specified that failure to comply would result in dismissal of the complaint. Plaintiff Cochran has not paid the filing fees or filed an IFP application prisoner. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

CONCLUSION

The Court dismisses the complaint without prejudice for failure to pay the \$402.00 in filing fees or submit an IFP application. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff Cochran and note service on the docket.

SO ORDERED.

Dated: November 17, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge